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October 21, 2010

VIA CM/ECF

The Honorable Magistrate Judge Joseph A. Dickson
United States Magistrate Judge
Martin Luther King, Jr. Federal Building and Courthouse
Room 4015
50 Walnut Street
Newark, NJ 07101

Re: *Paul Diamond v. Hanesbrands Inc. – Case No. 10-3101*

Dear Judge Dickson:

I write in response to the letter Plaintiff sent Your Honor today regarding the alleged non-conformity of the font of Defendant's reply brief. Specifically, Plaintiff claims that the body of Defendant's reply brief contained 11.5 point Courier New Font, and that the footnotes contained 9.5 point Courier New Font. In reality, we have confirmed that the body of the original WORD version of the reply brief contained 12 point Courier New font. The conversion to/from PDF format apparently decreases the appearance of the font size, presumably giving rise to Plaintiff's mistaken belief that we used 11.5 point font.

Regarding the font of the footnotes in our reply brief, however, it appears that we did mistakenly use 10 point Courier New Font. Per instructions from Your Honor's clerk Salena, we have changed the footnote font to 12 point Courier New and removed limited content from the brief to ensure that it complies with the 15 page limit. Per Salena's instructions, the replacement brief is being re-filed today.

We apologize for any inconvenience this may have caused the Court, and will take steps to ensure that it does not happen again.

Very truly yours,

WOMBLE CARLYLE SANDRIDGE & RICE
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Kevin J. Mangan

cc: Paul Diamond (via email)